

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

TERRANCE MIDDLEBROOK,	:	Case No. 1:16-cv-694
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
vs.	:	
	:	
WARDEN, Hocking Correctional	:	
Facility,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 31)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and on December 5, 2019, submitted a Report and Recommendation. (Doc. 31). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation (Doc. 31) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED with prejudice**;

- 2) A certificate of appealability shall not issue because Petitioner has not stated a viable claim of the denial of a constitutional right, nor are the issues presented adequate to deserve encouragement to proceed further;
- 3) An appeal of this Order would not be taken in good faith, and accordingly Petitioner is denied leave to appeal *in forma pauperis*; and
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

Date: 12/31/2019

*s/Timothy S. Black*  
Timothy S. Black  
United States District Judge